

DISTRICT RESIDENCY

The Governing Board desires to admit all students who reside within district boundaries or who fulfill the district residency requirements through other means as allowed by law. The Superintendent or designee shall develop procedures to facilitate the receipt and verification of students' proof of residency.

(cf. 5116 - School Attendance Boundaries)

The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including, but not limited to, all options for meeting residency requirements for school attendance. (Education Code 48980)

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall require parents/guardians to provide documentation of the student's residency upon admission to a district school. A copy of the document or written statement offered as verification of residency shall be maintained in the student's mandatory permanent record. (5 CCR 432)

(cf. 5111 - Admission)

(cf. 5125 - Student Records)

When establishing a student's residency for enrollment purposes, the Superintendent or designee shall not inquire into a student's citizenship or immigration status.

A student's enrollment may be denied when the submitted documentation is insufficient to establish district residency. In any such case, the Superintendent or designee shall notify the parent/legal guardian in writing, including specific reasons for the denial.

Investigation of Residency

If an employee of the District reasonably believes that a student's parent/legal guardian has provided false or unreliable evidence of residency, the District may make reasonable efforts to determine that the pupil actually meets the residency requirements.

When the Superintendent or designee reasonably believes that a student's parent/legal guardian has provided false or unreliable evidence of residency, the following procedures apply. The Superintendent or designee may initiate an investigation when an employee is able to identify specific, articulable facts supporting the belief that the parent/legal guardian has provided false or unreliable evidence of residency. Examples of such situations include, but are not limited to:

DISTRICT RESIDENCY

altered documents; credible information from the property owner or neighbor that the student does not reside at the address provided; results of a home visit by a District employee indicating the student does not reside at the address provided; credible information from the student stating s/he does not reside at the address provided; and/or mail sent by the school returned from the address provided. (Education Code 48204.1, 48204.2)

When the District reasonably believes that a parent/legal guardian has provided false or unreliable evidence of residency, the Superintendent or designee may assign a trained district employee to conduct the investigation using available information, including records obtainable through online databases, to determine the parent/legal guardian's residency. The investigation may include the examination of records, including public records, contacting the landlord or neighbors regarding whether or not the student resides at the address provided, and/or interviews of persons who may have knowledge of the student's residency, and/or interview of the student and/or parent/legal guardian.

If necessary, the Superintendent or designee may employ the services of a private investigator to conduct the investigation. Before hiring a private investigator, the Superintendent or designee shall make other reasonable efforts to determine whether the student resides in the district. (Education Code 48204.2)

The investigation shall not include the surreptitious collection of photographic or videographic images of persons or places subject to the investigation. However, the use of technology is not prohibited if done in open and public view. (Education Code 48204.2)

Any employee or contractor engaged in the investigation shall truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation. (Education Code 48204.2)

Appeal of Enrollment Denial

If the Superintendent or designee, upon investigation, determines that a student does not meet district residency requirements and denies the student's enrollment in the school, he/she shall provide the student's parent/legal guardian an opportunity to appeal that determination. (Education Code 48204.2)

The Superintendent or designee shall provide the student's parent/legal guardian written notice specifying the basis for the district's determination. This notice shall also inform the parent/legal guardian that he/she may, within five (5) school days, appeal the decision to the Office of School and Family Support Services and provide new evidence of residency.

The burden shall be on the parent/legal guardian to show why the school's determination to deny enrollment should be overruled. (Education Code 48204.2)

DISTRICT RESIDENCY

A student who is currently enrolled in the district shall be allowed to remain in attendance at his/her school pending the results of the appeal. A student who is not currently enrolled in the district shall not be permitted to attend any district school unless his/her appeal is successful.

In an appeal to the Office of School and Family Support Services of a determination that district residency requirements were not met, the Superintendent or designee shall review any evidence provided by the parent/legal guardian or obtained during the district's investigation and shall make a decision within 10 school days of receipt of the parent/legal guardian's request for the appeal. The decision of the Superintendent or designee shall be final.

Legal Reference:**EDUCATION CODE**

220 Prohibition of discrimination

35160.5 Intradistrict open enrollment

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance permits

48050-48054 Nonresidents

48200-48208 Compulsory education law, especially:

48204 Residency requirements

48204.1-48204.2 Evidence of residency

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act transfers

48852.7 Education of homeless students; immediate enrollment

48853.5 Education of foster youth; immediate enrollment

48980 Notifications at beginning of term

FAMILY CODE

6550-6552 Caregivers

GOVERNMENT CODE

6205-6210 Confidentiality of residence for victims of domestic violence

CODE OF REGULATIONS, TITLE 5

432 Retention of student records

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

COURT DECISIONS

Katz v. Los Gatos-Saratoga Joint Union High School District, (2004) 117 Cal.App.4th 47

Management Resources:**OFFICE FOR CIVIL RIGHTS, U.S. DEPARTMENT OF EDUCATION PUBLICATIONS**

Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, 2012

WEB SITESCSBA: <http://www.csba.org>

Students

BP 5111.1(d)

DISTRICT RESIDENCY

California Department of Education: <http://www.cde.ca.gov>

California Secretary of State, Safe at Home Program: <http://www.sos.ca.gov/safeathome>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

CULVER CITY UNIFIED SCHOOL DISTRICT

Culver City, California

Policy Reviewed: March 22, 2016

Policy Reviewed and Adopted: April 26, 2016